

REMARKS

INTRODUCTION

In accordance with the foregoing, the claims have not been amended. Claims 1-19 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102(e)

In the Office Action, at pages 2-6, claims 1, 3-13, 15, 17 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,604,049 to Yokota. This rejection is traversed and reconsideration is requested.

The Yokota application was filed in the U.S. on September 21, 2001. As Yokota was not based on "an international application filed under the treaty defined in section 351(a)," the effective date of Yokota as prior art is September 21, 2001. See 35 U.S.C. §102(e) and MPEP §2316.03(V). The present application was filed in the U.S. on June 13, 2001, more than three months prior to the filing of the Yokota application.

In order to qualify as a valid prior art reference under 35 U.S.C. §102(e), Yokota must meet the following requirements:

- (1) the application must be based on an international application (PCT) published in English;
- (2) the international application must designate the U.S.; and
- (3) the international application must be filed on or after November 29, 2000.

Yokota claims priority to a Japanese patent application filed on September 25, 2000. As Yokota does not meet any of the requirements necessary for the filing date of an international application to be considered as a U.S. filing date and the Yokota application was filed more than three months after the filing of the present application, Applicant respectfully asserts that Yokota is not a valid prior art reference under 35 U.S.C. §102(e). Accordingly, Applicant submits that claims 1, 3-13, 15, 17, and 19 are not anticipated by Yokota. Thus, claims 1, 3-13, 15, 17, and 19 patentably distinguish over the prior art and are in condition for allowance.

REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action, at pages 6-7, claims 2, 14, 16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yokota in view of U.S. Patent No. 6,173,407 to Yoon, et al. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As discussed above, Yokota is not a valid prior art reference under 35 U.S.C. §102(e) against the present application. As Yoon, et al. fails to cure the deficiencies left by the removal Yokota, Applicant submits that Yoon, et al. teach or suggest all of the features of dependent claims 2, 14, 16, and 18. Accordingly, Applicant respectfully submits that claims 2, 14, 16, and 18 patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Allison Olenginski
Allison Olenginski
Registration No. 55,509

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501